

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. W.A. DREW)
EDMONDSON, in his capacity as ATTORNEY)
GENERAL OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT, in his)
capacity as the TRUSTEE FOR NATURAL)
RESOURCES FOR THE STATE OF)
OKLAHOMA,)

Plaintiff,)

vs.)

TYSON FOODS, INC., TYSON POULTRY, INC.,)
TYSON CHICKEN, INC., COBB-VANTRESS,)
INC., CAL-MAINE FOODS, INC., CAL-MAINE)
FARMS, INC., CARGILL, INC., CARGILL)
TURKEY PRODUCTION, LLC, GEORGE'S, INC.,)
GEORGE'S FARMS, INC., PETERSON FARMS,)
INC., SIMMONS FOODS, INC., and WILLOW)
BROOK FOODS, INC.,)

Defendants.)

Case No. 05-CV-329-GKF-SAJ

ORDER

Before the Court is Plaintiff's Rule 72(a) Objection to Magistrate Judge Joyner's February 2, 2008 Opinion and Order [Docket No. 1504].

A magistrate judge's order in a pretrial matter may be reconsidered where it has been shown that the order is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A). *See also* Fed. R. Civ. Proc. 72(a) (on nondispositive matters "[t]he district judge to whom the case is assigned shall consider such objections and shall modify or set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law.").

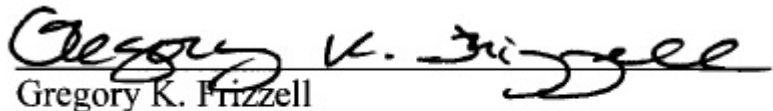
Plaintiff's request for expedited consideration is granted. Plaintiff's Objection to the Magistrate Judge's February 1, 2008 Opinion and Order is overruled. At the December 7, 2007

hearing before the Court, plaintiff was informed that if plaintiff insisted on deposing defendants' experts, the preliminary injunction hearing could begin, at the earliest, in late March. [Transcript December 7, 2007 hearing at 43].

WHEREFORE, Plaintiff's Rule 72(a) Objection to Magistrate Judge Joyner's February 2, 2008 Opinion and Order [Docket No. 1504] is overruled.

Alternatively, if plaintiff wishes to depose the defendants' experts, the Court will reset the preliminary injunction hearing in late March or in April 2008.

IT IS SO ORDERED this 6th day of February 2008.


Gregory K. Frizzell
United States District Judge
Northern District of Oklahoma